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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,087	02/04/2004	Koichi Yoshizawa	MIPFP078	3296
25920 7590 12/31/2007 MARTINE PENILLA & GENCARELLA, LLP			EXAMINER	
710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			RILEY, MARCUS T	
			ART UNIT	PAPER NUMBER
	•		2625	
			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/773,087	YOSHIZAWA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Marcus T. Riley	2625			
The MAILING DATE of this communication app Period for Reply		orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS,					
<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
2a) This action is <b>FINAL</b> . 2b) This	action is non-final.				
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) 1-49 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 1-49 are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summary				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date.  Notice of Informal Patent Application					
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	6) Other:				

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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species:

- I. Species 1 provides for a color separation method for determining ink quantity of each ink, in order to reproduce any color using a plurality of color inks on a printing medium.
- Step (c2) discloses adjusting the ink quantity of the spot color ink included in the color

separation ink quantity set in accordance with the lightness parameter so that ink quantity

decreases at a rate of change greater than the rate of change of the lightness parameter in the

direction of increasing lightness. According to this method, ink quantity of the spot color ink is

adjusted so as to be reduced at a rate of change greater than the rate of change of the lightness

parameter, whereby standing out of the spot color ink in lighter areas can be reduced, and

graininess in the image improved.

II. Species II provides for color separation method for determining ink quantity of

each ink, in order to reproduce any color using a plurality of color inks on a printing medium.

Step (c2) discloses (c2) providing first and second reproduction colors, the first and second

reproduction colors having a lightness parameter value within a first high lightness range

including a brightest portion of the lightness parameter value, the first and second reproduction

colors having a same primary color component ink, a same spot color component ink, and a same

lightness parameter value, the first reproduction color having hue relatively close to that of the

primary color component ink, the second reproduction color having hue relatively close to that of

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the spot color component ink; and determining ink quantity of the spot color ink included in the color separation ink quantity set so that a usage rate of the spot color ink for the second reproduction color is smaller than a usage rate of the spot color ink for the first reproduction color. According to this method, in bright image areas, the ink quantity of spot color ink is determined in such a way that the usage rate of spot color ink in areas of hue relatively close to the spot color ink is smaller than the usage rate of spot color ink in areas of hue relatively close to the chromatic primary color ink.

2. The species are independent or distinct because they are different/alternative methods for color separation and determining the ink quantity of each ink, in order to reproduce any color using a plurality of color inks on a printing medium.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there appears to be no generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus T. Riley whose telephone number is 571-270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley

**Assistant Examinier** 

KING Y. POON Art Unit 2625

SUPERVISORY PATENT EXAMINER